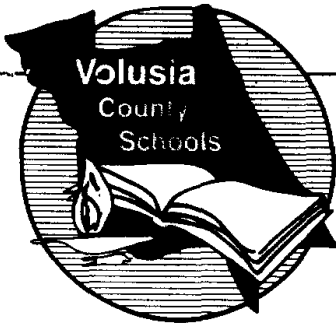


ORIGINAL

Dr. Margaret A. Smith
Superintendent of Schools

May 26, 2004

Honorable Michael K. Powell, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: WT Docket No. 03-66

Dear Chairman Powell,

For many years, the Volusia County School District has used Instructional Television Fixed Service ("ITFS") channels in the 2.5 GHz band to transmit instructional programming to students in our schools and surrounding community. The advent of new technologies and the prospect of band plan and rule changes requested by the ITFS community promise new digital educational services that will enhance our services to students and the community.

It is my understanding that the Wireless Bureau is circulating a proposal for rushed FCC consideration that would eliminate the eligibility restrictions on ITFS spectrum, and would reduce the amount of spectrum held by each ITFS licensee in order to accommodate new commercial users in the band. This proposal is seriously flawed and will greatly impact our nation's educational systems.

ITFS is the only spectrum specifically allocated to support formal education. This vital educational asset must be protected, as the FCC promised to do just three years ago. As the FCC updates the technical rules for ITFS to more effectively support a range of new broadband services, I urge you to reject misguided proposals to allow any ITFS spectrum to be licensed to commercial entities, or to reduce in any respect the total amount of spectrum allocated to ITFS. If necessary, you must delay consideration of the proposal to a later meeting, so that educational concerns can be heard.

The possibilities for future development of educational services in the ITFS band are exciting, and it is our intention to use the spectrum fully in the years ahead for educational purposes. I hope that you will support our efforts to keep this valuable educational resource. Thank you for your consideration of this important matter.

Sincerely,

Judy Conte

Ms. Judy Conte, Chairman
Volusia County School Board

Ex Parte Presentation

cc: Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein

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